

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/423,368 12/30/99 DE GROOT

A B040971

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PM82/0820

EXAMINER

MANSEN, M

ART UNIT

PAPER NUMBER

3653

10

DATE MAILED:

08/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/423,368

Applicant(s)

DE GROOT ET AL.

Examiner

Michael R Mansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

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This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, lines 2-3, "each intended to dispose one or more clamping members" is vague and indefinite. What constitutes "intended to dispose"? Are the clamping members being claimed or not?

With respect to claim 1, line 3, "the shape of which" is vague and indefinite. What is "which" referring to? Is which referring to the conveyor means or the clamping members?

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With respect to claim 1, lines 5-6 and 7 and claim 2, line 2, "the clamping members" have no antecedent basis. Note, claim 1 sets forth "one or more clamping members". Applicants should use similar language to refer to the members.

With respect to claim 2, lines 2-3, "designed in such a manner that they each fit in an ISO container" is vague and indefinite. What constitutes "designed in such a manner"? Are applicants claiming that the conveyor means can be disassembled to be able to "fit in an ISO container"? Further, what does "they" refer to? Note, "they" should be replaced with the element that is being referred to. Further, what constitutes "an ISO container"? What dimensions does the container have?

With respect to claims 3 and 7, lines 2-3 and 3-4, respectively, "a main frame element" is vague and indefinite. Is the instant frame element the same or related to the "main frame element" in claim 1, line 5?

With respect to claims 4 and 8-10, lines 3 and 3-4, respectively, "said conveyor" has no antecedent basis. Applicants should use the phrase "said endless conveyor".

With respect to claims 4 and 8-10, lines 5 and 6, respectively, "it" is vague and indefinite. What is being referred to by "it"?

With respect to claim 5, line 1, "the conveyor" has no antecedent basis.

With respect to claims 5 and 11, lines 2 and 2-3, respectively, "a drive chain of double design" is vague and indefinite. What constitutes "of double design"? What structure is being claimed?

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With respect to claim 6, line 1, "Conveyor means, intended for the tensioner according to claim 1" is vague and indefinite. What structure is being claimed? Further, how does the conveyor means further restrict and define the tensioner in claim 1?

With respect to claims 8-10, line 4, "to the" is misspelled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulmitz.

Ulmitz discloses a tensioner for clamping flexible pipes or bars and moving them forwards in a controlled manner comprising at least two modular conveyor means (8), each of said at least two conveyor means (8) including an endless double chain (9) with clamping members (10) mounted thereon and shaped to the external shape of the flexible pipes or bars, and the conveyor means (8) being mounted to a main frame element (2, 3) with the aid of a hydraulic cylinder (39-41) and a first and second pivot arms (14, 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulmitz.

Ulmitz, as advanced above, does not disclose the conveyor means comprising attachment eyelets for attaching the conveyor means (8) to a main frame element. Attachment eyelets are well known in the art to provide a means for attaching elements together with the use of a nut and bolt that would fit through the eyelets. It would have been obvious to one of ordinary skill in the art to provide Ulmitz with eyelets that accommodate nuts and bolts to attach the conveyor means (8) to the main frame elements (2, 3) to enable maintenance and replacement of the conveyor means (8).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Mansen whose telephone number is (703) 308-2655. The examiner can normally be reached on 9 hour days with Second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Michael R. Mansen", with a long horizontal flourish extending to the right.

Michael R Mansen
Primary Examiner
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mrn
August 17, 2001